



BOARD OF APPEALS

Town of Arlington Arlington, Massachusetts

51 Grove Street
Telephone (781) 316-3396

Meeting Agenda

Date: May 26, 2020

Time: 7:30P.M.

Location: Conducted by Remote Participation

1. Executive Order on Remote Participation

Agenda Items:

1) Docket# 3619 - 40 Park Avenue; Special Permit under Section 5.40 (Districts and Uses) (40

Park Avenue is a continued hearing from February 25, 2020)

2) Members Vote: -Approval of Meeting Minutes from ZBA remote hearing on May 12, 2020.

3) Members Vote: - Approval of Decision regarding 84 Oxford Street, Docket # **3620**

4) Discussion of Administrative Processes and Procedures.

Topic: Zoning Board of Appeals

Time: May 26, 2020 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

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Meeting ID: 944 4160 9372

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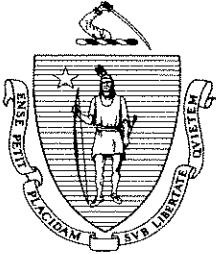
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OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITICO
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”); and

WHEREAS, many important functions of State and Local Government are executed by “public bodies,” as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

WHEREAS, both the Federal Centers for Disease Control and Prevention (“CDC”) and the Massachusetts Department of Public Health (“DPH”) have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

WHEREAS section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

NOW THEREFORE, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 1:40 PM this 12th day of
March, two thousand and twenty.

Charles D. Baker

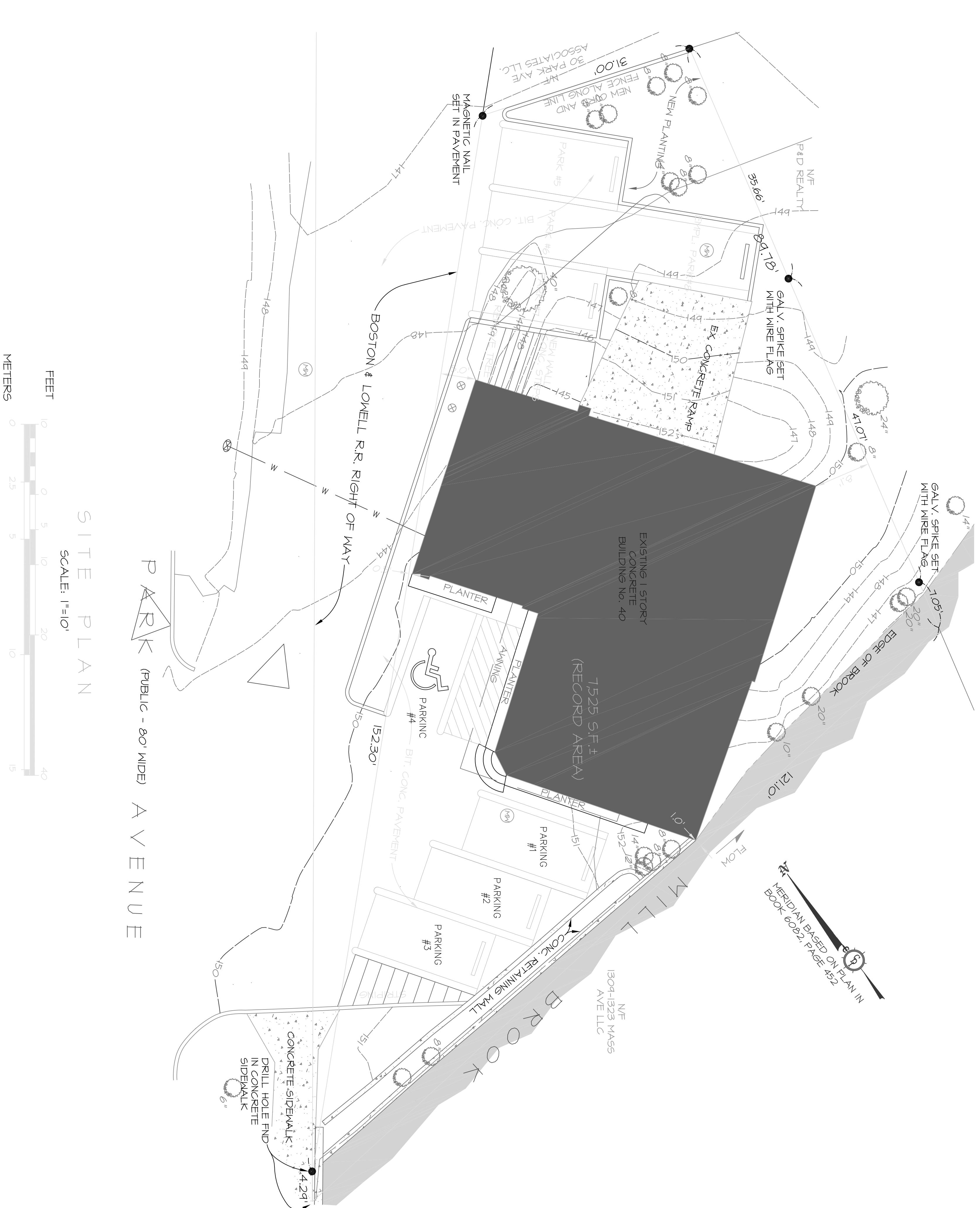
CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

S I T E P L A N

SCALE: 1"=10'

PARK (PUBLIC - 80' WIDE)

△ ▲ □ △ ▲ □





TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE
ARLINGTON, MASSACHUSETTS 02476
TELEPHONE 781-316-3090

MEMORANDUM

To: Zoning Board of Appeals
From: Jennifer Raitt, Director, Dept. of Planning and Community Development/da/kl
Date: 1/6/2020
RE: Docket 3612 – 1314 Massachusetts Ave; Variance under Section 6.1.4 (Table of off-Street Parking Regulations)
Attachments: Map of geographic limits of the parking study area
Tally sheets and analysis of parking spaces in vicinity of 1314 Mass Ave
Map of 5-minute walk radius

The applicant, First House LLC, seeks a variance in accordance with Section 6.1.4 (Table of Off-Street Parking Regulations) of the Zoning Bylaw. The applicant and owner of the property formerly known as Balich 5&10 is seeking to convert the former retail establishment to a restaurant with approximately 70 seats, a use which is allowed in the B3 Village Business District. The applicant seeks a variance for the parking requirements for the new use, stating that there is no capacity to build new parking on the existing parcel. According to Section 6.1.4 of the Zoning Bylaw, 16 on-site parking spaces would be required for the new use.

Two other Town entities granted permits and approvals regarding the proposed development. On September 9, 2019, the Arlington Redevelopment Board (ARB) approved the change of use for the restaurant. On October 8, 2019, the Arlington Historical Commission (AHC) submitted approval of the applicant's proposed signage and façade improvement request.

The following is an application of the Variance criteria (M.G.L. c. 40 §A.10):

Criterion #1: Soil Conditions, Shape, or Topography

The property at 1314 Mass Ave abuts the sidewalk, with no side setback on either edge of the building. The space under the applicant's control has a small access road in the rear, but is of insufficient size to provide off-street parking for restaurant patrons or employees. The property has no existing open space or sufficient space to add new open space.

Criterion #2: Hardship

The size of the lot and the existing structure prohibit the owner's ability to provide off-street parking within the property lines. Modifying the structure to provide off-street parking would require a complete demolition and redevelopment. The applicant is only one of several occupants in a mixed-use, two-story structure and cannot demolish the building to create additional off-street parking spaces. Furthermore, the entire building is listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington* which is under the jurisdiction of the AHC, therefore any change to the structure to provide additional off-

street parking spaces would be subject to additional review and potentially a 12-month demolition delay.

Criterion #3: Without Substantial Detriment to the Public Good

The Department of Planning & Community Development (DPCD) engaged in a parking utilization study to determine if the requirement of 16 parking spaces could be satisfied by on-street parking in the immediate vicinity of 1314 Massachusetts Avenue without substantial detriment to the public good. Since the proponent has no capacity to build new parking spaces to serve the restaurant, any further parking demand will need to be absorbed by the existing public parking supply. The public parking supply consists entirely of on-street vehicle parking spaces. (Employees may park at Sunrise Senior Living of Arlington per a Special Permit condition associated with that property.)

For this study, DPCD staff established a catchment area of the following limits: Massachusetts Avenue from the Arlington Heights Busway to Park Avenue; Massachusetts Avenue from Park Avenue to Daniels Street; Park Avenue from Arlington Coal & Lumber to Massachusetts Avenue; Park Avenue from Massachusetts Avenue to Paul Revere Road (east intersection); Davis Road from Paul Revere Road to Massachusetts Avenue; Surry Road from Davis Road to Daniels Street; Daniels Street from Massachusetts Avenue to Surry Road; and Paul Revere Road from Park Avenue to Davis Road. (See the attached map of the geographic limits of the study area.) The on-street parking space farthest away from the location studied during this review is approximately 1,000 feet from 1314 Massachusetts Avenue, at Surry Road and Daniels Street, measured in street segments (instead of a direct line). Staff used professional judgment to determine that these on-street areas were the most logical places where a customer would park their car to access the restaurant. These parking spaces are within a two- to three-minute walk from the restaurant location.

Town GIS staff also created a map showing the five-minute walking distance from 1314 Massachusetts Avenue, using a street network analysis and using a standard walking rate of three feet per second. The walk zone catchment area (or “walkshed”) is a much wider area than was used for this study. As a result, the area studied for this parking utilization review should be considered conservative in its approach. Potentially, many more parking spaces would be available within a five-minute walk.

Baseline On-Street Parking Spaces Data Collection

DPCD staff began by collecting data on the number of parking spaces within the study area using aerial photography and GIS mapping. Staff counted the marked parking spaces, including the angled spaces on Park Avenue and restricted Handicap Placard (HP) spaces and Electric Vehicle only (EV) spaces on Park Avenue and Massachusetts Avenue. However, since most of the curbside parking in the study area is not marked out on the ground, for the remaining parking staff had to estimate the number of spaces that would be allowed if they were designated with pavement markings (parking space stalls). To make this estimate, staff measured the available curb length in GIS, discounting curb cuts and other areas where parking would be illegal, such as bus stops. Staff then divided that length by 22 feet, which is the recommended upper limit to mark metered on-street parking spaces as noted in the

Massachusetts Amendments to the 2009 Manual on Uniform Traffic Control Devices (Massachusetts MUTCD January 2012, pg. 8).

The result is the number of on-street parking spaces that would be allowed along that particular curb length if they were marked out. This is a more restrictive parking stall size than can be achieved by unmarked curbside parking. In other words, more vehicles could be parked along the curb when no parking space markings are present. In addition to being conservative about the length of each parking space, staff also assumed the number of spaces would be limited by the width of the street. The presence of legal on-street spaces on narrow streets with two-way traffic – primarily the residential streets of Daniels Street and Surry Road – were assumed to be only possible on one side of the street, even if in current practice both sides of the road are often parked. This also limited the number of estimated parking spaces. During parking utilization data collection, staff also noted locations of fire hydrants, areas signed “No Parking”, and other areas where general curbside parking is illegal, to create a more accurate picture of the amount of on-street parking available. Therefore, the total number of spaces is considered conservative, and lower than what is physically available on the ground today.

Based on aerial photography, GIS data, and field review, staff estimated that there are 146 legal on-street parking spaces in the study area. This includes seven HP spaces, two EV spaces, and two taxi stand spaces. Thus the number of general vehicle parking spaces (non-restricted) is 135.

Collection of Parking Utilization Data

To collect data on parking utilization, staff created a spreadsheet listing each street in the study area, and broke the streets into different segments as necessary to be able to more easily collect the data. Staff then walked the study area and counted the number of vehicles parked on-street, including legally and illegally parked vehicles, to understand the demand for parking and compare it to the number of marked or estimated number of spaces in that street block. Staff visited the study area at different days and times to get a more complete picture of parking utilization. Primary times of focus were the lunch hour and the evening dinner hour, as the proposed use is a restaurant/pub.

For each data collection time period, staff started at the Arlington Heights Busway and worked in a clockwise direction to count all the vehicles parked on-street in the study area, typically ending at the angled on-street parking spaces on Park Avenue. It took approximately 20 minutes to walk the study area.

Turnover data and rates were not collected or analyzed as part of this study. However, some anecdotal observations about turnover are included in the Results section.

Parking Demand

Parking demand calculations for this particular use were not reviewed; the primary basis for the on-site parking is the Zoning Bylaw which requires one parking space per four seats of total seating capacity.

Data Collection

Staff collected data of on-street parking utilization in the study area seven times during three different periods: Monday, November 4, at 11 a.m., 12 p.m. and 1 p.m.; Thursday, November 14, at 11:15 a.m. and 12:15 p.m.; and Thursday, November 14 at 5:30 p.m. and 6:30 p.m. The first two periods provide an estimate of parking utilization during lunchtime, while the final count provides an understanding of utilization on a typical evening. A second lunch period count was conducted because several restaurants and businesses were closed during the first count on November 4.

Results

Of the available 146 on-street parking spaces estimated for the study area, there are 65 spaces on Massachusetts Avenue, 34 on Park Avenue, 22 on Davis Road, 10 on Surry Road, 9 on Paul Revere Road, and 6 on Daniels Street. Full results with tally sheets and analysis for each period data was collected are attached.

November 4 Lunch Period

Staff conducted three counts on this day, at 11 a.m., 12 p.m., and 1 p.m. Overall, the average number of spaces utilized out of the total number of spaces over the two-hour period was 81, or 55% of the total. If the restricted spaces are removed from the total number of spaces (since only certain drivers may park in them and they may be less utilized), this number is 60% of the total. This leaves 67 (56 for general parking) unused on-street parking spaces. Parking utilization is well below capacity.

However, staff counted seven businesses that were closed. Three were restaurants, one of which had conflicting signage about their hours; three were salons or hair care establishments; one was a kitchen store. A couple of the latter businesses did not have clear signage about business hours, and were simply closed.

November 14 Lunch Period

Staff conducted two counts during the lunch period, at 11:15 a.m. and 12:15 p.m. Compared to the previous lunch count, the area had more pedestrian and vehicular traffic; utilization was higher, but still not at capacity. Average utilization rate between the two times studied was 106.5 spaces used, for an average occupancy rate of 73% (79% not including restricted spaces). This leaves about 40 available parking spaces in the study area. As noted in the methodology, both legal and illegal parking was counted, to overestimate some of the demand, while being conservative about the actual number of spaces. Thus the occupancy rate may be inflated slightly.

November 14 Evening Period

Staff conducted two counts during the evening period, at 5:30 p.m. and 6:30 p.m. Parking was quite sparse compared to the lunch hour, with the lowest occupancy of the three counting periods: an average of 72 parking spaces occupied, with an occupancy rate of 49% (53% when not including restricted spaces).

Staff observed that eight businesses were either already closed before the first parking count at 5:30; had closed in between the count periods; or closed shortly after the 6:30 parking count.

Three businesses closed at 5:00; four businesses closed at 6:00, and one store closed at 6:30. One business appeared closed despite their posted store hours. Several businesses did not have hours posted to verify their opening and closing times.

Street Observations

Massachusetts Avenue:

- Mass Ave generally had the most parking activity, as it has the highest number of parking spaces in the study area and sits directly along the commercial corridor. Parking occupancy on Mass Ave was only between 50-60% on November 4 and the evening of November 14, but at 80% during lunch on November 14. Much of the activity was either directly west or east of Park Avenue in the commercial heart of Arlington Heights. Going east, parking utilization tended to drop off by Daniels Street at the boundary of the study area.
- Around 1284 Mass Ave, site work was being done on an adjacent property, and two to three car lengths of curb space was occupied by heavy vehicles or building materials. Staff observed this condition during both lunch periods (November 4 and 14). During the evening period, traffic cones had been left out, blocking the curb space to reserve the area for the next day. It appeared to be the same contractor continuing the same site work, so staff assumed that this curb space was being occupied continuously for this construction work for at least two or three weeks. This effectively eliminated the curb space in front of 1284 Mass Ave from general usage for a multiday period. As this relates to the parking study, there were actually fewer available curbside spaces on Mass Ave during this study than estimated. This highlights the fact that, even with some curbside space temporarily unavailable on Mass Ave, there was still plenty of free curbside parking to be found in the study area.
- Taxis did not use the taxi stand in front of the Arlington Heights Busway during any of the three observation periods. It mostly stayed empty, except for some occasional drop-off use by private vehicles.
- On at least two occasions, people illegally parked in either the eastbound or westbound bus stops on Mass Ave at Park Ave. In one case, on November 14 during lunch, a vehicle was parked in at least half the eastbound bus stop space for over 40 minutes. Several buses could not fully pull up to the curb to pick up and drop off passengers because of this.

Park Avenue:

- The small number of spaces on the west side between Mass Ave and Arlington Coal & Lumber were heavily utilized. People illegally parked in front of fire hydrants or driveways as observed on several occasions.
- The angled spaces on Park Ave were almost always underutilized, even during the peak lunch period during both the days studied. On November 4, only 29% of the spaces on the west side were occupied over the 2 hours; on the east side only 40% were occupied over that time. On November 14 during lunch, utilization was higher, but significant capacity was available: on the west side 75% of the spaces were occupied, and on the east side 54% of the spaces were occupied. During the evening observation period an average of 30% of the spaces were occupied.

- The two EV spaces on Park Ave were not being used during any of the three periods studied.

Paul Revere Road:

- Parking is allowed on only one side of the road.
- During lunch time, Paul Revere Road had the highest utilization -- over 100% of the estimated (conservative) amount. However, there did not appear to be much turnover. In the evening time, only a handful of the spaces were used, at 40% of the total estimated.

Davis Road:

- Davis Road is one way from Paul Revere Road to Mass Ave.
- This road is generally underutilized for parking. It appears to be a low-traffic cross street with easy access for parkers to Mass Ave businesses.

Daniels Street:

- This is a fairly narrow residential street, with some parts lacking curbs.
- People typically parked on both sides of the street, sometimes on top of the grass or curb to get further out of the street.

Surry Road:

- This is a narrow residential street with low utilization during the day but much higher utilization in the evening.
- People parked on both sides of the street, even though it is two-way and parking on both sides would easily block two-way traffic.
- Similar to Daniels Street, parking on the grass or curb was a common observation.

General Observations

- Staff observed several illegally parked vehicles, including contractor trucks, USPS trucks, and DPW trucks. These vehicles blocked driveways, bus stops, fire hydrants, or were in spaces clearly signed for no parking. Some were more "active" parking than others (i.e. standing, not necessarily parked and vacant), but it was not always clear if passengers were in the vehicles.
- There is a significant amount of car traffic at the Mass Ave/Park Ave intersection throughout the day, and the evening there was significant delay, with queues stretching down Mass Ave as far back as the Busway – a distance of 400' with an estimated queue size of at least 20 vehicles. Traffic operations at the intersection can be dangerous, with many drivers running through yellow and red light lights to make left turns. Drivers often pull over to or away from the curb, which delays traffic, and staff observed drivers double-parking in front of the UPS store which created hazards for through-traffic.

Alternative Ways to Access the Proposed Restaurant

Along with the parking utilization study, the Town GIS Department provided a map to DPCD showing the boundaries of a 5-minute walking distance from the proposed restaurant location to get an idea of how many households would be able to access the property by walking instead of driving. This map is attached. In addition, the Arlington Heights Neighborhood Action Plan completed in April 2019 included a market analysis that showed

2,738 households within a 10-minute walk from the intersection of Mass Ave and Park Ave, the same general geographic location as the proposed restaurant. With an average household size of 2.2, there are about 6,023 people living near the proposed restaurant that could easily walk to the property instead of drive.

Additionally, as shown on the study area map, the Minuteman Bikeway is a short distance from the proposed restaurant, and has nearby access points to Park Ave and Mass Ave at Gold's Gym and Sunrise Senior Living of Arlington. Pedestrians and cyclists can easily walk or bike to the property from the Bikeway, although for cyclists the amount of bicycle parking in the area is limited. Some bicycle parking is provided on Mass Ave east of the property near Davis Road, while a few racks are west of the property on the other side of the intersection of Mass Ave and Park Ave, and at the Arlington Heights Busway. However, the ARB has required additional bike parking to be funded by the restaurant owner near this location. This will help create more bicycle parking options for customers. The DPCD will be working with the owner on this installation during the spring of 2020.

Finally, the area has a number of bus routes that run in close proximity to the property, including MBTA bus routes 62, 77, and 79.

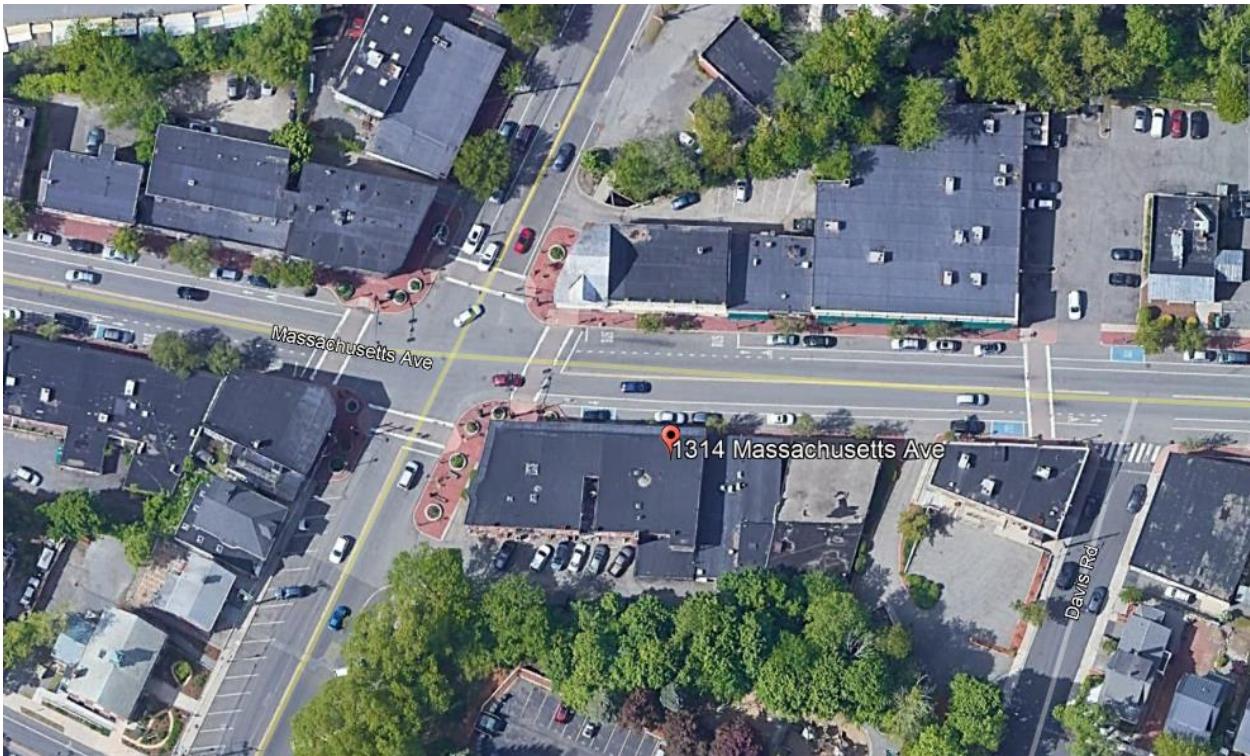
Conclusion

DPCD concludes that relief from the off-street parking requirement can be granted without substantial detriment to the public good. The potential new parking activity created by a new restaurant can be absorbed by the existing available on-street parking, especially in the evening. On-street parking in the study area is not heavily utilized in the evening, as only half of all estimated parking spaces were occupied during the period studied. Out of 146 on-street parking spaces, 73 would be available on a typical evening. The lower demand is logical given the number of businesses that close by 6 p.m. or 7 p.m. during the week. During the lunch period (excluding Mondays) there is a fair amount of curbside parking utilized, but it is not at capacity. Even Mass Ave and Park Ave, where there is the greatest access to businesses in Arlington Heights, are not fully parked at typical lunch periods. Around 40 on-street parking spaces around the study area would be available during peak lunchtime hours, more than double the parking requirement for this use. During lunch time, drivers may need to park on a side street or be willing to park in a somewhat less desirable spot.

Criterion #4: Without Nullifying or Substantially Derogating From the Intent of the Zoning Bylaw

The Zoning Bylaw states that the intent of the B-3 Village Business District is to allow for uses “catering to both convenience and comparison-goods shoppers and oriented to pedestrian traffic.” The applicant intends to create a neighborhood-oriented restaurant – a service that Arlington Heights residents expressed as desirable in the Arlington Heights Neighborhood Action Plan – suggesting that the addition of the restaurant to the business district will be consistent with the pedestrian-oriented intent of the B-3 Village Business District.

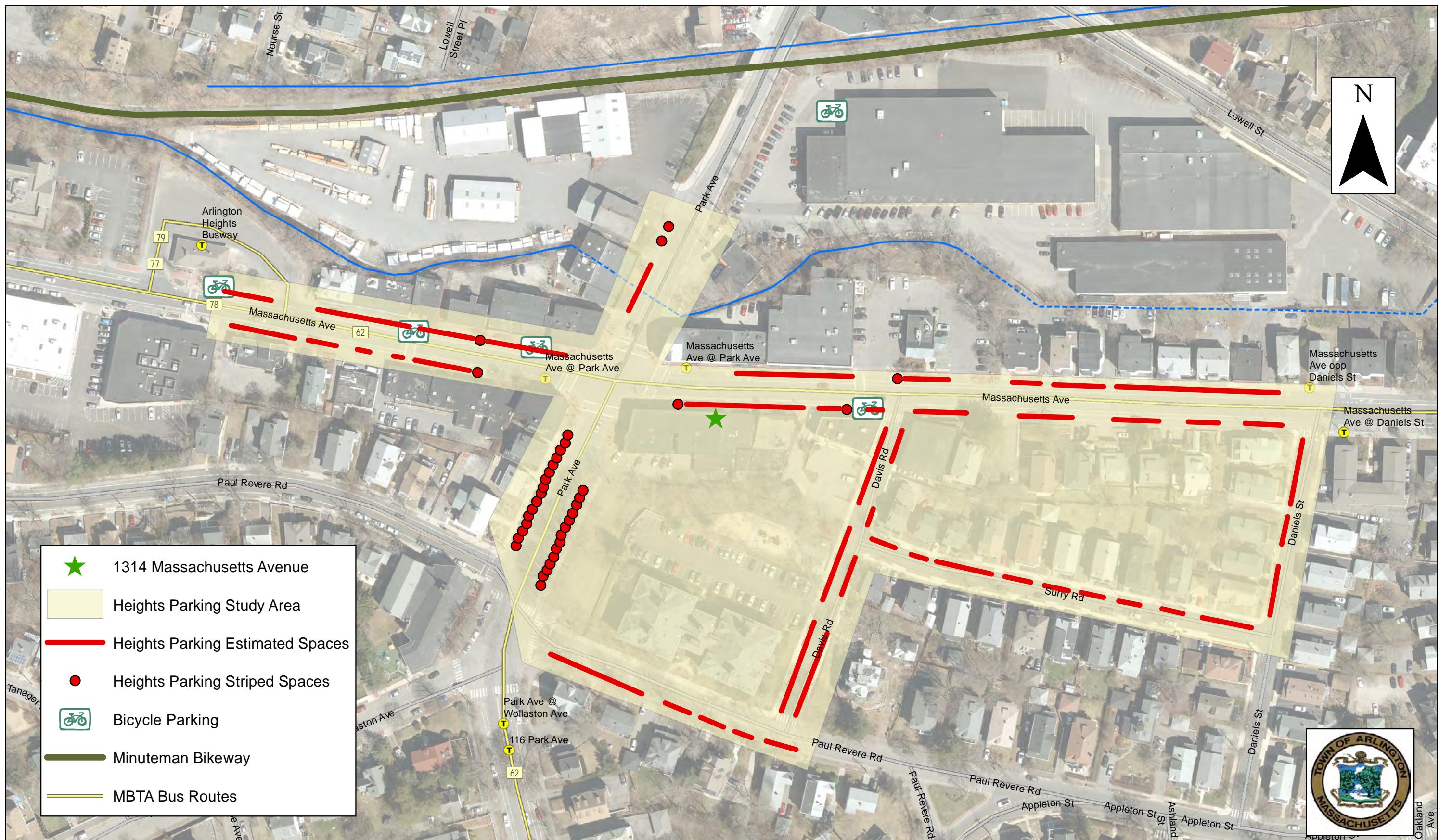
Below are aerial and street-based photos of the current building:



Recommendation:

Overall, this proposal meets the four variance criteria. It is the recommendation of the Department of Planning and Community Development that the Zoning Board of Appeals approve this application.

Arlington Heights Parking Utilization Study Area



Map Created By Daniel Amstutz, Department of Planning and Community Development, December 2019

Arlington Heights Parking Review

11/4/2019

11 am - 1 pm

| | Parked vehicles per block | | | Estimated # Legal Spaces | Avg. 2-Hr Utilization | Avg Occupancy |
|--|---------------------------|-----------|-------------------------------------|----------------------------------|--------------------------|------------------|
| MASS AVE (Parking allowed on both sides) | | | | | | |
| North side: | 11:00 AM | 12:00 PM | 1:00 PM | | | |
| Heights Busway/Taxicab stand to Park Ave | 9 | 7 | 8 | 14 | 8.0 | 57% |
| Park Ave to Daniels Street | 10 | 15 | 9 | 21 | 11.3 | 54% |
| South side: | 11:00 AM | 12:00 PM | 1:00 PM | | | |
| Busway to Park Ave | 8 | 6 | 7 | 9 | 7.0 | 78% |
| Park Ave to Davis Road | 4 | 3 | 6 | 10 | 4.3 | 43% |
| Davis Road to Daniels Street | 3 | 4 | 8 | 11 | 5.0 | 45% |
| PARK AVE (Parking allowed on both sides) | | | | | | |
| West side: | 11:00 AM | 12:00 PM | 1:00 PM | | | |
| Paul Revere Road to Mass Ave | 6 | 5 | 3 | 16 | 4.7 | 29% |
| Mass Ave to Arlington Coal & Lumber driveway | 4 | 5 | 3 | 4 | 4.0 | 100% |
| East side: | 11:00 AM | 12:00 PM | 1:00 PM | | | |
| Paul Revere Road to Mass Ave | 5 | 7 | 5 | 14 | 5.7 | 40% |
| DAVIS RD (Parking allowed on both sides) | | | | | | |
| West side: | 11:00 AM | 12:00 PM | 1:00 PM | | | |
| Mass Ave to Paul Revere Road | 7 | 6 | 7 | 13 | 6.7 | 51% |
| East side: | 11:00 AM | 12:00 PM | 1:00 PM | | | |
| Paul Revere Road to Surry Road | 3 | 3 | 3 | 7 | 3.0 | 43% |
| Surry Road to Mass Ave | 1 | 2 | 2 | 2 | 1.7 | 83% |
| SURRY RD (Parking allowed on both sides; very narrow road - cannot use both sides at same time) | | | | | | |
| North side: | 11:00 AM | 12:00 PM | 1:00 PM | | | |
| Davis Road to Daniels Street | 3 | 3 | 4 | 10 | 3.3 | 33% |
| DANIELS ST (Parking allowed on both sides; very narrow road - cannot use both sides at same time) | | | | | | |
| West side: | 11:00 AM | 12:00 PM | 1:00 PM | | | |
| Mass Ave to Surry Road | 6 | 4 | 7 | 6 | 5.7 | 94% |
| PAUL REVERE RD (Parking allowed on south side only) | | | | | | |
| South side: | 11:00 AM | 12:00 PM | 1:00 PM | | | |
| Park Ave to Davis Road | 11 | 9 | 12 | 9 | 10.7 | 119% |
| Parked vehicles per block | | | Estimated # Legal Spaces | Avg. 2-Hr Utilization | | |
| Total Parking Utilization Per Hour: | 80 | 79 | 84 | | | |
| Total Estimated Number of Legal Spaces: | | | 146 | | | |
| Total Estimated Number of Spaces Not Including Restricted Spaces (Taxi Stand, HP, EV - minus 11): | | | 135 | | | |
| Total Avg 2-Hour Utilization: | | | | 81.0 | | |
| Average Occupancy: | | | 55% | | | |
| Average Occupancy Minus Restricted Spaces: | | | 60% | | | |

Arlington Heights Parking review

11/14/2019

11:15 am - 12:15 pm

| | Parked vehicles per block | Estimated # Legal Spaces | Avg. 2-Hr Utilization | Avg Occupancy |
|--|---------------------------|--------------------------|-----------------------|---------------|
| MASS AVE (Parking allowed on both sides) | | | | |
| North side: | | | | |
| | 11:15 AM 12:15 PM | | | |
| Heights Busway/Taxicab stand to Park Ave | 11 | 10 | 14 | 10.5 |
| Park Ave to Daniels Street | 14 | 19 | 21 | 16.5 |
| South side: | | | | |
| | 11:15 AM 12:15 PM | | | |
| Busway to Park Ave | 10 | 9 | 9 | 9.5 |
| Park Ave to Davis Road | 7 | 8 | 10 | 7.5 |
| Davis Road to Daniels Street | 7 | 8 | 11 | 7.5 |
| PARK AVE (Parking allowed on both sides) | | | | |
| West side: | | | | |
| | 11:15 AM 12:15 PM | | | |
| Paul Revere Road to Mass Ave | 11 | 13 | 16 | 12.0 |
| Mass Ave to Arlington Coal & Lumber driveway | 6 | 3 | 4 | 4.5 |
| East side: | | | | |
| | 11:15 AM 12:15 PM | | | |
| Paul Revere Road to Mass Ave | 8 | 7 | 14 | 7.5 |
| DAVIS RD (Parking allowed on both sides) | | | | |
| West side: | | | | |
| | 11:15 AM 12:15 PM | | | |
| Mass Ave to Paul Revere Road | 7 | 8 | 13 | 7.5 |
| East side: | | | | |
| | 11:15 AM 12:15 PM | | | |
| Paul Revere Road to Surry Road | 4 | 4 | 7 | 4.0 |
| Surry Road to Mass Ave | 2 | 2 | 2 | 2.0 |
| SURRY RD (Parking allowed on both sides; very narrow road - cannot use both sides at same time) | | | | |
| North side: | | | | |
| | 11:15 AM 12:15 PM | | | |
| Davis Road to Daniels Street | 3 | 3 | 10 | 3.0 |
| DANIELS ST (Parking allowed on both sides; very narrow road - cannot use both sides at same time) | | | | |
| West side: | | | | |
| | 11:15 AM 12:15 PM | | | |
| Mass Ave to Surry Road | 5 | 5 | 6 | 5.0 |
| PAUL REVERE RD (Parking allowed on south side only) | | | | |
| South side: | | | | |
| | 11:15 AM 12:15 PM | | | |
| Park Ave to Davis Road | 9 | 10 | 9 | 9.5 |
| Total Parking Utilization Per Hour: | | 104 | 109 | 146 |
| Total Estimated Number of Legal Spaces: | | | | |
| Total Estimated Number of Spaces Not Including Restricted Spaces (Taxi Stand, HP, EV - minus 11): | | | | |
| Total Avg 2-Hour Utilization: | | | | |
| Average Occupancy: | | | | |
| Average Occupancy Minus Restricted Spaces: | | | | |

Arlington Heights Parking review

11/14/2019

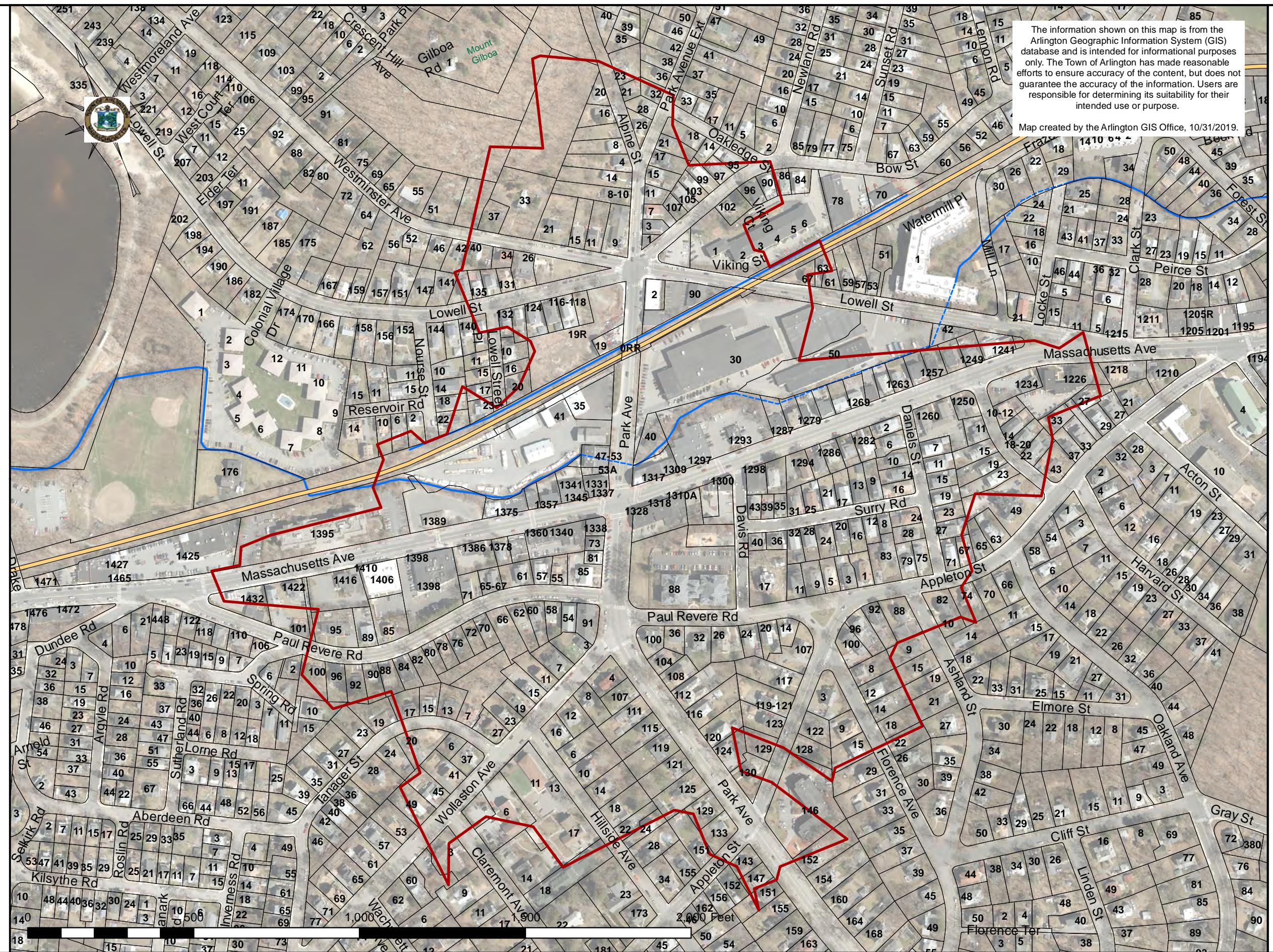
5:30 pm - 6:30 pm

| | Parked vehicles per block | Estimated # Legal Spaces | Avg. 2-Hr Utilization | Avg Occupancy |
|--|---------------------------|-----------------------------|--------------------------|------------------|
| MASS AVE (Parking allowed on both sides) | | | | |
| North side: | 5:30 PM 6:30 PM | | | |
| Heights Busway/Taxicab stand to Park Ave | 10 13 | 14 | 11.5 | 82% |
| Park Ave to Daniels Street | 10 11 | 21 | 10.5 | 50% |
| South side: | 5:30 PM 6:30 PM | | | |
| Busway to Park Ave | 7 4 | 9 | 5.5 | 61% |
| Park Ave to Davis Road | 7 8 | 10 | 7.5 | 75% |
| Davis Road to Daniels Street | 1 2 | 11 | 1.5 | 14% |
| PARK AVE (Parking allowed on both sides) | | | | |
| West side: | 5:30 PM 6:30 PM | | | |
| Paul Revere Road to Mass Ave | 4 9 | 16 | 6.5 | 41% |
| Mass Ave to Arlington Coal & Lumber driveway | 3 2 | 4 | 2.5 | 63% |
| East side: | 5:30 PM 6:30 PM | | | |
| Paul Revere Road to Mass Ave | 5 1 | 14 | 3.0 | 21% |
| DAVIS RD (Parking allowed on both sides) | | | | |
| West side: | 5:30 PM 6:30 PM | | | |
| Mass Ave to Paul Revere Road | 5 2 | 13 | 3.5 | 27% |
| East side: | 5:30 PM 6:30 PM | | | |
| Paul Revere Road to Surry Road | 4 3 | 7 | 3.5 | 50% |
| Surry Road to Mass Ave | 1 0 | 2 | 0.5 | 25% |
| SURRY RD (Parking allowed on both sides; narrow road - cannot use both sides at same time) | | | | |
| North side: | 5:30 PM 6:30 PM | | | |
| Davis Road to Daniels Street | 9 8 | 10 | 8.5 | 85% |
| DANIELS ST (Parking allowed on both sides; narrow road - cannot use both sides at same time) | | | | |
| West side: | 5:30 PM 6:30 PM | | | |
| Mass Ave to Surry Road | 5 3 | 6 | 4.0 | 67% |
| PAUL REVERE RD (Parking allowed on south side only) | | | | |
| South side: | 5:30 PM 6:30 PM | | | |
| Park Ave to Davis Road | 5 2 | 9 | 3.5 | 39% |
| Total Parking Utilization Per Hour: | | 76 | 68 | |
| Total Estimated Number of Legal Spaces: | | 146 | | |
| Total Estimated Number of Spaces Not Including Restricted Spaces (Taxi Stand, HP, EV - minus 11): | | 135 | | |
| Total Avg 2-Hour Utilization: | | 72.0 | | |
| Average Occupancy: | | 49% | | |
| Average Occupancy Minus Restricted Spaces: | | 53% | | |

Arlington Heights 5-minute Walk Distance From 1314 Mass Ave

LEGEND

- 5-Minute Walk Distance
- Parcel Boundary
- Minuteman Bikeway
- Brook / Stream (surface)
- Brook / Stream (subsurface)
- WaterBody



Accolade Athletics

Transportation Demand Management Plan for 40 Park Ave

Introduction

Although our 40 Park Ave location possesses more than the minimum required off street parking spaces per zoning law, Accolade Athletics will take strong measures to mitigate any parking impact on the town's existing parking resources as well as to avoid any unauthorized use of nearby private parking. Considerations that will be addressed in this plan are time of day, several alternative transportation options and schedule.

About Accolade Athletics

Accolade Athletics ("Accolade") is a licensed affiliate of CrossFit and provides fitness classes according to the methodology developed by CrossFit. Our classes are 45 minutes and capped at a limited number of athletes. There is a 15 minute break between classes for turnover. We do not have locker rooms or showers within our facility.

40 Park Ave Location

40 Park Ave is located on Park Ave near Mass Ave. The location is accessed by a right-of-way driveway which allows access to both its 4 upper parking spaces, 3 lower parking spaces at the rear of the property and 1 tandem space at the rear of the property. By code, 7 spaces are required for Accolade's use ('Indoor Recreation Facility for Profit'). The right-of-way driveway leads directly to an entrance/exit for the Minuteman Commuter Bikeway.

Public Transportation

40 Park Ave is less than 200 feet from the nearest T bus stop. The location is accessible via the 62, 77, 78 and 79 buses providing access to and from all points in Arlington from East Arlington, Alewife T station, N. Cambridge, Arlington Heights and East Lexington. A portion of Accolade's staff and customers are expected to arrive via bus. See exhibit 1 for bus stop locations.

Bicycle Transportation

40 Park Ave is near both the Minuteman Commuter Bikeway as well as the Mass Ave bike lanes. The Minuteman Bikeway allows easy access for customers arriving from not only Arlington, but as far as Cambridge, Somerville, Lexington and Concord. The Mass Ave bike lanes make it possible for easy access by Arlington residents year-round. Based on experience at similar businesses in the area, a significant portion of Accolade's customers are expected to arrive by bicycle with a large percentage of them using this mode of transportation year-round.

Taxi

There is a taxi stand located near 40 Park Ave for any customers departing via taxi.

Foot Traffic

Nearly the entire residential community of Arlington Heights (as well as additional areas of Arlington and Lexington) is within a one mile walk or run from 40 Park Ave. It is extremely common for CrossFit athletes to walk/run to and from class.

Staff Parking

Since CrossFit requires a single employee for each class conducted, Accolade's use of available parking is further optimized at times when staff must drive rather than walk/run, bike or arrive via public transportation.

Carpooling

Since customers will typically take class on the same time and day of each week, it is common and expected for them to carpool. This both reduces the off-street parking demand for our business as well as the parking demand on the surrounding community. Customers will be incented to carpool based on preferred parking.

Available Street Parking

DPCD staff have kindly allowed us to leverage the work that they conducted researching parking surrounding 1314 Mass Ave (located approximately 100 meters from 40 Park Ave). That study estimated that there are 146 legal on-street parking spaces in the area. These included seven HP spaces, two EV spaces and two taxi stand spaces. The number of general, non-restricted spaces was thus estimated at 135. DPCD staff observed the area during both mid-day and evening periods (after 5:30pm) and found that ample street parking exists. The study is attached.

Additional Parking Nearby

We have communicated with the owner of Arlington Lumber (across Park Ave from 40 Park Ave) regarding the off-hours use of their parking. The owner of Arlington Coal and Lumber indicated that use of their parking during their business hours is prohibited, however, 'We don't enforce parking after hours'. Arlington Lumber's hours are M-F 7am-4:30pm and Sat 8am-noon. Accolade's earliest weekday class and evening classes will be outside these hours.

Mitigation Accommodations

Accolade Athletics will make the following accommodations and arrangements in order to minimize its on-site vehicle parking requirements:

- Transit Passes – We will provide a \$30/month Charlie Card subside to all employees utilizing bus and subway T-Passes. This represents a one third subsidy off the \$90 per month cost of a LinkPass (unlimited subway & bus). For a Local Bus pass (\$55 per month), this represents greater than a 50% subsidy.
- Bicycle Parking
 - Open – Outdoor bicycle racks will be installed at 40 Park Ave. This will allow for bicycles to be parked securely during class times.
 - Covered – During periods of inclement weather, customers will be able to park their bicycles in the 40 Park Ave basement.
- Carpool Parking – Our off-street parking spot nearest to our front door will be designated as a Carpool Parking space to encourage customers to utilize only a single vehicle to travel to and from 40 Park Ave.
- Discounts - Accolade will discount memberships for employees of Arlington Heights businesses within a half mile of our location. This will further reduce our parking requirements as those customers can leverage their parking elsewhere.
- These accommodations are in addition to our scheduling being optimized for minimum requirements as detailed above.

Exhibit 1 – Public Transportation

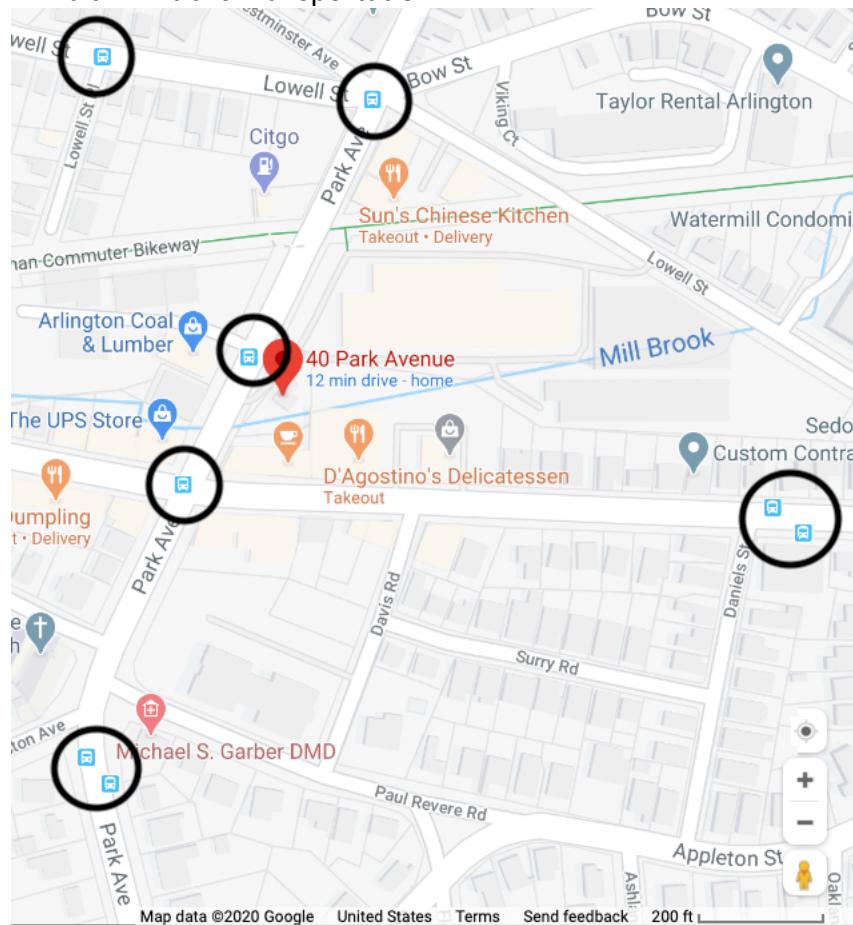


Exhibit 2 – 1314 Mass Ave Study

(File Attached 3612_1314 Mass Ave.pdf)

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Direct Dial: 617-371-0468

February 21, 2020

Zoning Board of Appeals
Town of Arlington
51 Grove Street
Arlington, MA 02476

RE: Amended Dimensional and Parking Information, 40 Park Avenue

Dear Board Members:

Enclosed please find a minor amendment to the Dimensional and Parking Information Table submitted with the Application for Special Permit of Accolade Athletics, Inc. for 40 Park Avenue. The Amendment corrects erroneous information submitted for entries number 8 (FAR), 19 (Parking spaces number) and the Total Gross Floor Area (GFA) figure.

The discrepancy arises because the applicant had assumed that any area below the ground floor of the building was a "basement." Since a basement is a "story," its area was included in the GFA calculation in the originally filed application.

In fact, the Zoning Bylaw distinguishes between a "basement" and a "cellar." A cellar is not a story and is excluded from the GFA calculation. At 40 Park Avenue, the space below the ground floor is a cellar. The GFA is, therefore, 2,163 SF, not the 3,613 SF originally submitted, and the minimum required on-site parking is 7 spaces, not 12.

This amendment does not change any aspect of what was applied for nor anything that was advertised so should not affect Tuesday's hearing. We apologize for this error.

Very truly yours,



David L. Klebanoff

DLK/sjf
Enclosure

TOWN OF ARLINGTON
Dimensional and Parking Information
For application to The Zoning Board of Appeals

1. Property Location: 40 Park Avenue Zoning District: Industrial
2. Present Use/Occupancy: vacant No. of dwelling units (if residential) N/A
3. Existing Gross Floor Area (see definition of Gross Floor Area (GFA) in Article 2 of the Town of Arlington Zoning Bylaw and provide supporting documentation (worksheet) showing dimensions of GFA by floor: 2,163)
4. Proposed Use/Occupancy: Athletic facility No. of dwelling units (if residential) _____
5. Proposed Gross Floor Area (see definition of Gross Floor Area in Article 2 of the Town of Arlington Zoning Bylaw and provide supporting documentation (worksheet) showing dimensions of GFA by floor): 2,163

| | Present Conditions | Proposed Conditions | Min. or max Required by Zoning |
|---|--------------------|---------------------|--------------------------------|
| 6. Lot size (sq. ft.) | <u>7,525 SF</u> | <u>7,525 SF</u> | min. None |
| 7. Frontage (ft.) | <u>152.30'</u> | <u>152.30'</u> | min. None |
| 8. Floor area ratio | <u>.287</u> | <u>.287</u> | max. 1.5 |
| 9. Lot Coverage (%) | <u>29%</u> | <u>29%</u> | max none |
| 10. Lot Area per Dwelling Unit (sq. ft.) | <u>N/A</u> | <u>N/A</u> | min. |
| 11. Front Yard Depth (ft.) | <u>3"</u> | <u>3"</u> | min. 10' |
| 12. Left Side Yard Depth (ft.) | <u>36'4"</u> | <u>36'4"</u> | min. 10' |
| 13. Right Side Yard Depth (ft.) | <u>6"</u> | <u>6"</u> | min. 10' |
| 14. Rear Side Yard Depth (ft.) | <u>8'10"</u> | <u>8'10"</u> | min. 10' |
| 15. Height (stories) | <u>1</u> | <u>1</u> | max. 4/3 |
| 16. Height (ft.) | <u>20'9"</u> | <u>20'9"</u> | max. 52'/39' |
| 17. Landscaped Open Space (% of GFA) Sq. ft. _____ | <u>2.3%</u> | <u>2.3%</u> | min. none |
| 18. Usable Open Space (% of GFA) Sq. ft. <u>0</u> | <u>0</u> | <u>0</u> | min. none |
| 19. Parking Spaces (number) | <u>8</u> | <u>8</u> | min. 7 |
| 20. Parking area setbacks | <u>N/A</u> | <u>N/A</u> | min. |
| 21. Loading Spaces (if applicable) | <u>N/A</u> | <u>N/A</u> | min. |
| 22. Type of construction | <u>IIIB</u> | <u>IIIB</u> | <u>N/A</u> |

OPEN SPACE/GROSS FLOOR AREA

Refer to Zoning Bylaw Article 2, Definitions and Article 6, Dimensional Regulations

Address 40 Park AvenueZoning District Industrial**OPEN SPACE**

| | EXISTING | PROPOSED |
|-------------------------|-----------------|-----------------|
| Total lot area | <u>7,525</u> | <u>7,525</u> |
| Open Space (Usable)* | <u>0</u> | <u>0</u> |
| Open Space (Landscaped) | <u>87.42 SF</u> | <u>87.42 SF</u> |

*Usable Open Space must be at least 75% open to the sky, free of automotive, traffic and parking, and readily accessible. Open space shall be deemed usable only if : 1) at least 75% of the area has a grade of less than 8% and no horizontal dimension less than 25 feet.

GROSS FLOOR AREA (GFA)

| | | |
|--|---------------------|---------------------|
| Accessory building | <u>N/A</u> | <u>N/A</u> |
| Basement or cellar (>5' excluding mechanical area) | <u>1,450 SF</u> | <u>1,450 SF</u> |
| 1 st Floor | <u>2,163 SF</u> | <u>2,163 SF</u> |
| 2 nd Floor | <u>N/A</u> | <u>N/A</u> |
| 3 rd Floor | <u>N/A</u> | <u>N/A</u> |
| 4 th Floor | <u>N/A</u> | <u>N/A</u> |
| 5 th Floor | <u>N/A</u> | <u>N/A</u> |
| Attic (>7'3" in height, excluding elevator, mechanical) | <u>N/A</u> | <u>N/A</u> |
| Parking garages (except as used for accessory Parking garages or off street loading purposes) | <u>N/A</u> | <u>N/A</u> |
| All weather habitable porches and balconies | <u>N/A</u> | <u>N/A</u> |
| Total Gross Floor Area (GFA) | <u>2,163</u> | <u>2,163</u> |

REQUIRED MINIMUM OPEN SPACE AREA

| | |
|---|-------------|
| Proposed Usable Open Space Percent of GFA | <u>2.3%</u> |
| Proposed Landscaped Open Space Percent of GFA | <u>0%</u> |

This worksheet applies to plans dated 10/31/2019 designed by Cyprus Designs, Inc.

Reviewed by Inspectional Services _____ Date: _____

**SPECIAL PERMIT APPLICATION
ACCOLADE ATHLETICS, INC.
40 PARK AVENUE**

Introduction

This application seeks a Special Permit to make use of the site of a now-closed laundry at 40 Park Avenue. The structure is a one-story, free-standing building on a 7,500 s.f. lot. This proposal seeks approval to use the building for a CrossFit strength and conditioning studio.

The property is in an industrial (I) district. That district is described by Section 5.6.1(B) of the Zoning Bylaw as one designed to sequester uses that "would be disruptive to residential and other business uses." Per the applicable Table of Uses Section 5.6.3: "enclosed entertainment and recreation facilities conducted for profit" are allowed by Special Permit.

I. Special Permit Use

The use proposed by the applicant is to convert the now vacant former laundry structure into a CrossFit Studio. That use, described in more detail below, involves instruction in strength training and conditioning for modest sized (6-12 person) classes. In the industrial zone of Arlington, that use requires a Special Permit.¹ No other zoning relief is required.

II. Description of Use

Accolade Athletics is a licensed CrossFit affiliate. The CrossFit program is a constantly varied, high intensity exercise modality featuring functional movements. It offers 45-minute classes which will typically feature both strength and cardio components. Its workouts utilize

¹ Neither the use nor any of the exclusively interior changes in the structure meet the thresholds for Environmental Design Review set out in Section 3.4.2 (A-I).

body weight (push ups, pull-ups, sit-ups, etc.), objects and weights (kettle bells, dumbbells, etc.) and limited machines (rowing or bike). During a 45-minute class, patrons warm up, receive instruction through a guided workout and engage in a short cool down stretch. According to national CrossFit data, attendees typically attend two times per week.

III. The Application meets the standards for the Issuance of a Special Permit.

Section 3.3.3 of the Zoning Bylaws contains the standard for the grant of a Special Permit. It is that “the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the characteristics of the site and of the proposal in relation to that site.” It follows with more specific criteria by which the Board must determine whether a Special Permit should be granted. As will hopefully be demonstrated by the information below, the Application meets the standard and satisfies that criteria.

A. The use requested is listed as Permitted by Special Permit in the Use Regulations

It is. See attached Ex.1.

B. The requested use is essential or desirable to the public convenience.

CrossFit Studios are growing in popularity. As described above, they offer a directed program of strength and conditioning in a classroom setting. It also has no undirected, independent use of the facilities; everything is handled in organized groups at set class times.

CrossFit has found this a popular model to promote the health of its patrons who predominately attend before or after work and who take advantage of the encouragement and commitment afforded by scheduled sessions and directed training to keep their New Year's Resolution. While Applicant cannot pretend this use is “essential” to public convenience it is

certainly desirable, and a number of Arlington residents currently forced to commute to the Somerville CrossFit have indicated as much.

C. The requested use will not create undue traffic congestion or impair pedestrian safety

There will be no, let alone “undue” traffic congestion generated by this facility. In the first place, it is easily accessible from the bus routes passing maybe 200’ away on Massachusetts Avenue as well as the Bike Trail not much further away in the other direction.

Second, the modest class size is unlikely to generate even seven vehicles trips an hour, a number that will have no impact on major thoroughfares like Massachusetts Avenue and Park Avenue. Third, the facility operates on a limited schedule; most classes occur at periods of extremely low traffic².

As for pedestrian safety, the site is located on the eastern side of Park Avenue. On that side, the sidewalk running down from Massachusetts Avenue terminates at the property’s curb cut so that pedestrians travelling further need to cross to the west side of the street-away from the facility-to continue south on Park Avenue. There will therefore be almost no pedestrians passing along the curb cut serving the facility and no conflict therefore between pedestrians and automobiles.

Sightlines are straight and unobstructed south to Massachusetts Avenue and north to the intersection of Park Avenue and Lowell Street. There are no regular deliveries or truck traffic needed for the operation of the facility.

² There are 6 weekday classes at a) 5:30 -6:15 AM, b) 6:30-7:15 AM, c) noon-12:45, and d) for 45 minutes beginning at 4:30, 5:30 and 6:30 in the evening. Saturday classes are at 9AM and 10AM and the facility is closed on Sunday.

Finally, the fact that the classes are scheduled (as opposed to it being a gym people randomly patronize throughout the day) means that except for twice an hour, there will be no traffic generated by the use.

D. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare

As currently planned, there will be no kitchen, showers or other feature in the facility other than bathrooms that generates sewage. This is certainly less load on the Town's water and sewer systems than the laundry that previously occupied the site. The physical site, insofar as drainage is concerned, will be completely unchanged with no new impervious surfaces added.

E. Any special regulations for the use as may be provided in this Bylaw are fulfilled

Not Applicable

F. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

The portion of this requirement dealing with integrity and character of the district is largely inapplicable to an industrial zone. The Bylaw makes clear that this zone is created to isolate uses that would impair the integrity of *other* zones which explains the prohibition of adding residential uses which might clash with the more disruptive uses for which this zone is set aside. The adjoining districts are largely commercial and even the residences well down Park Avenue on Lowell Street are screened from the facility by a large warehouse complex and a

lumber yard.. In any event, there is nothing about the use proposed that creates any sort of externality (noise, smoke, truck traffic) that impacts or impairs anything.

As for the impact on health and welfare from the proposed use, health is the point of CrossFit. Making its services more convenient to residents of Arlington is only beneficial to health and welfare of the Town.

G. The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.

As described above, the “character” of an industrial neighborhood is best described as the place where uses are quarantined from other neighborhoods. Considering that machine shops, stone cutting, car dealerships and truck repair can be allowed in this zone, a wholly enclosed health and exercise facility will have no detrimental impact on character.

True there will be some overlap in the use between the facility and the nearby Gold’s Gym. This duplication, however, is not the sort of “detrimental” excess-like an auto mile, a string of fast food restaurants or a cluster of sports bars-that this provision is addressed to. Rather, the two facilities uses are complimentary and it can be expected that some people will make use of both facilities and find the proximity convenient

IV. The Property Contains Adequate Parking and Bicycle Storage

The property is a one-story structure containing 2,163 sq. ft. of Gross Floor Area.³ The table of off-street parking regulations, section 6.1.4 calls for 1 on-site parking space per 300 feet of gross floor area for a health club or indoor athletic/recreational facility. That results in the need for 7 spaces.⁴

The parking spaces "provided on the same lot as the principal use they are required to serve" (§ 6.1.10), are shown on the plan attached hereto as Exhibit 3.⁵

Since the Applicant proposes a change in use, pursuant to Section 6.1.12, bicycle parking is also required. The structure is located on a sharply sloping lot and left over from the prior use is a garage door entrance into the cellar which, by happy coincidence, faces the bike path.

Secure, indoor bicycle storage will be provided there. Per the applicable table, the site will need .21 long-term bicycle storage spaces (under §6.1.12 (D) this is rounded up to 1) and 2.16 short-term spaces rounded up to 3 for a total of 4. The Applicant will have a minimum of 6 spaces complying with the coverage and security requirements of section 6.1.12 (E).

³ The Application erroneously described the building as containing 3,613 square feet of Gross Floor Area thereby requiring 12 parking spaces. In doing the calculation the Applicant had assumed the colloquial "basement" meant any area underground. In fact, Arlington distinguishes a "basement" from a "cellar" (see Definitions). A "basement" is a "story." A "cellar" is not. Gross Floor Area is "the horizontal areas of all *stories* of a building." Therefore, the correct Gross Floor Area is 2,163 square feet and the on-site parking requirement is 7. The letter from architect William Kaufman (Exhibit 2) demonstrates the calculations that show the area is a cellar.

⁴ $2,163/300=7.21$. Section 6.18 provides that "When the computation of required parking or loading spaces results in a fractional space, any fraction of one-half or more shall require one parking space."

⁵ Although the proposed use is fully compliant with the provisions of the Bylaw, if the Board harbors any concern about parking it should note that the recent parking study completed by DPCD for the variance request of the nearby 1314 Massachusetts Avenue structure found there is "plenty of free curbside parking to be found" in the area and that the applicant in that case could avoid adding 16 on-site spaces "without substantial detriment to the public good" because activity "can be absorbed by the existing, available on-street parking".

V. CONCLUSION

This Application seeks permission to add a nationally known fitness and exercise facility in a currently vacant building off Massachusetts Avenue. It will generate no noise, smoke, wastewater nor undue traffic during the relatively limited hours it operates. It requires no site work or exterior construction beyond cosmetic improvements. This Board can easily conclude that "the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the characteristics of the site and of the proposal in relation to that site" and grant the requested Special Permit.

Respectfully Submitted,
ACCOLADE ATHLETICS, INC.
By its attorney



David L. Klebanoff
Gilman, McLaughlin & Hanrahan, LLP
101 Merrimac Street
Boston, MA 02114
(617) 227-9999
DKlebanoff@gilmac.com

EXHIBIT 1

S-40 / DISTRICTS & USES

| Class of Use | MU | PUD | I | T | OS |
|---|----|-----|----|---|----|
| Office Uses | | | | | |
| <ul style="list-style-type: none"> • Office, display or sales space providing not more than 25% of floor space is used for assembling, packaging and storing commodities | | | | | |
| • In an existing building originally designed for single- or two- family residential use, if the building retains its residential appearance and is on a street with ROW width less than 50 ft. | Y | | Y | | |
| | SP | SP | SP | | |
| Wholesale Business & Storage | | | | | |
| Wholesale business in enclosed facility | | | Y | | |
| Office, display or sales space of a wholesale, jobbing, or distributing establishment provided that no more than 25% of floor space is used for assembling, packaging and storing of commodities | Y | | Y | | |
| Wholesale storage and sale of flammable liquid, or wholesale business conducting at least half of the business at retail on the premises | | | SP | | |
| Storage of vehicles | | | SP | | |
| Storage of fluid (other than water) | | | SP | | |
| Open storage of raw materials, finished goods, or equipment | | | SP | | |
| Commercial Entertainment, Amusement, Assembly Uses | | | | | |
| Enclosed entertainment and recreation facilities not conducted as a private for-profit business | SP | SP | SP | | |
| Enclosed entertainment and recreation facilities conducted for profit | SP | SP | SP | | |
| Indoor Motion Picture Theater | | | SP | | |
| Research, Laboratory, Related Uses | | | | | |
| Offices with data processing facilities or laboratories and testing facilities, which may include minor assembly or fabrication activities limited to 25% of the floor area. | SP | | SP | | |
| Research and development establishment | SP | | Y | | |
| Marijuana Research and Testing Facility | | | SP | | |
| Light Industry | | | | | |
| Laundry or dry cleaning plant | | | Y | | |
| Printing, binding, engraving plant | | | Y | | |
| Industrial services such as machine shop, plumbing, electrical or carpentry shop or similar service | | | Y | | |
| Contractor's yard | | | Y | | |
| Stone cutting, shaping, finishing in enclosed facility | | | Y | | |
| Auto body shop; all work carried out inside the building | | | SP | | |
| Truck service and repair | | | SP | | |
| Light manufacturing provided dust, flashing, fumes, gases, odors, refuse matter, smoke, and vapor in enclosed facility or disposed of properly and provided no noise or vibration is perceptible without instruments at a distance greater than 50 feet | | | SP | | |
| Marijuana Production Facility | | | SP | | |
| Other Principal Uses | | | | | |
| Medical Marijuana Treatment Center | | | SP | | |
| Artisanal fabrication | SP | SP | Y | | |

EXHIBIT 2



February 20, 2020

TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT
TOWN HALL, 730 MASSACHUSETTS AVENUE
ARLINGTON, MASSACHUSETTS 02476
TELEPHONE 781-316-3090

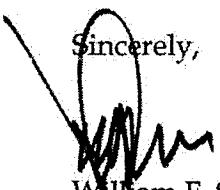
SPECIAL PERMIT APPLICATION
ACCOLADE ATHLETICS
40 PARK AVENUE
ARLINGTON, MASS

Re: Determination of Average Grade

On Feb 21, 2020 measurements were taken of the subject property to determine the average grade below the first floor. A total of fifteen measurements were taken at equal intervals around the building perimeter where a floor below grade exists approximately eight feet apart as indicated on Avg Grade drawing dated February 20, 2020.

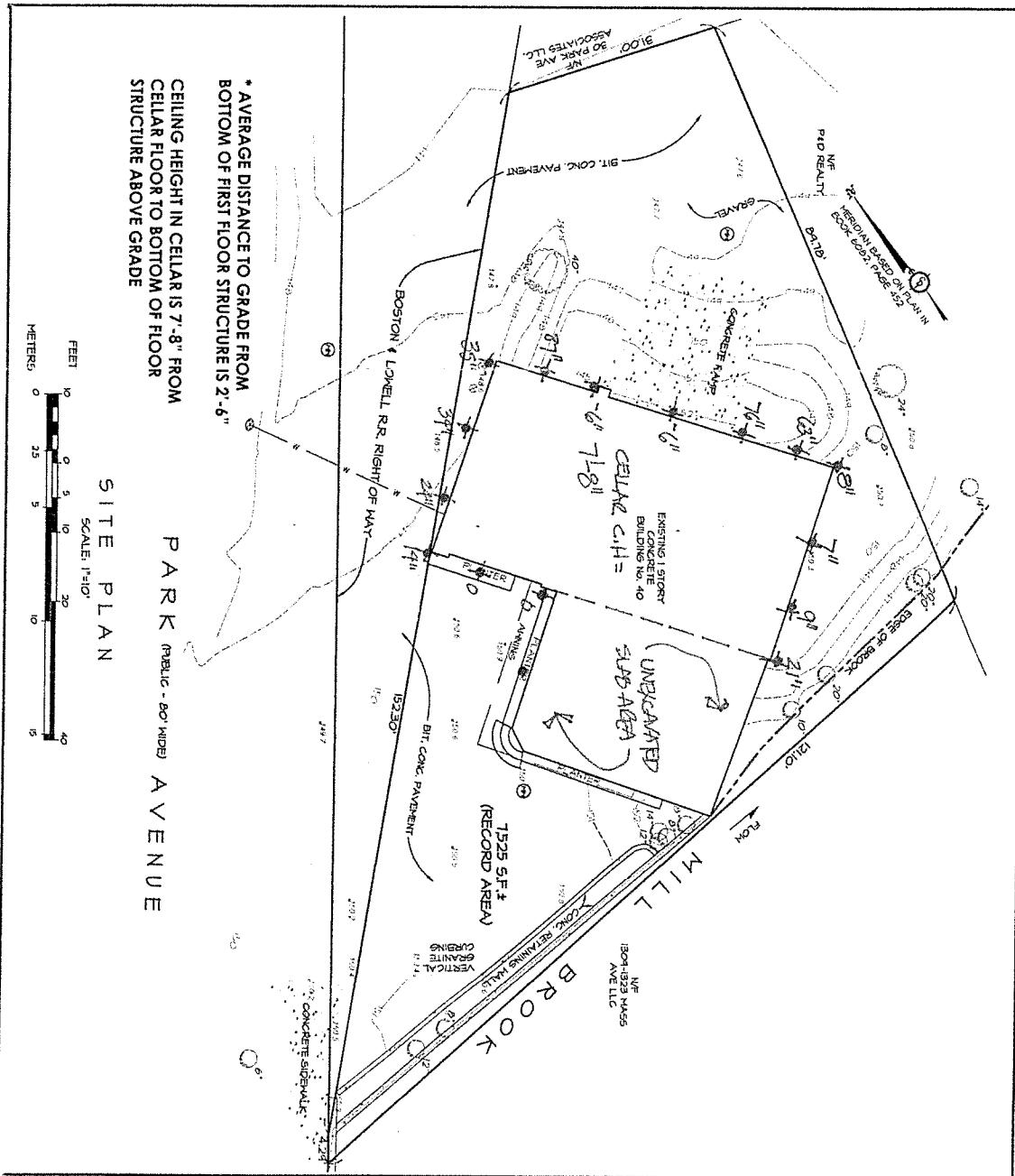
The distance from the average grade to the bottom of the first floor structure (below grade ceiling) is 2'-6" therefore, the floor below grade is classified as a "cellar" and in non-residential structures, shall not be considered part of the gross floor area of the building.

Sincerely,


William E. S. Kaufman, AIA NCARB
Principal
WESKetch Architecture, Inc.
Mass Lic #10167

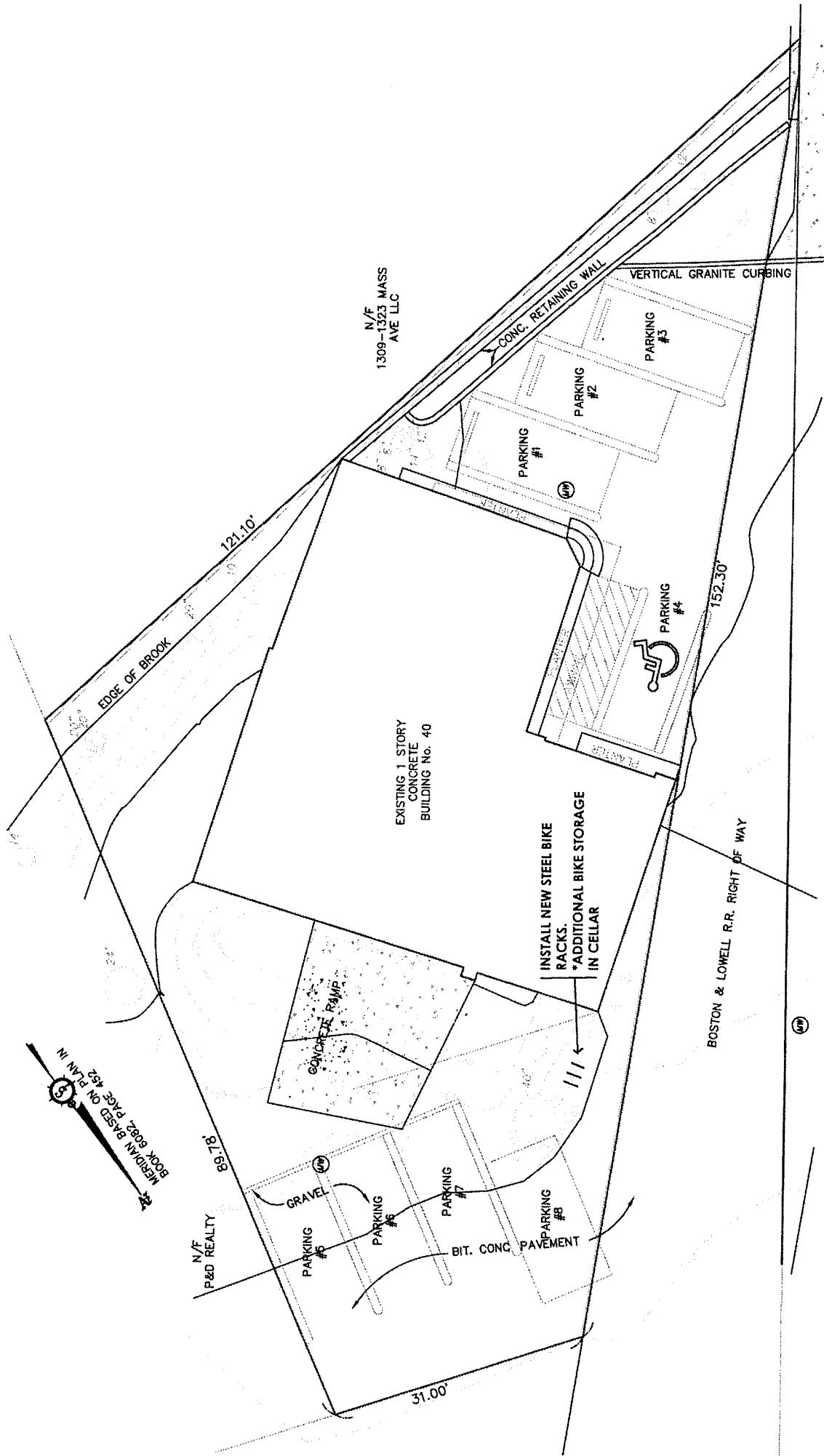
Attachment
Avg. Grade Drawing

AVG GRADE
40 PARK AVE
Date 2/22/20
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Millington, NJ 07946
Tel.: 908.647.8200
Fax.: 908.626.9197
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EXHIBIT 3




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 ARCHITECTURE, INC.
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